

REMARKS

Claims 1, 7, 13, 19, 22 and 25 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **January 2, 2004**.

Claim Rejections under 35 USC §102

Claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 are rejected under 35 USC §102(b) as being anticipated by Ogino (U.S. Patent No. 5,633,976).

The present invention is a image pickup apparatus in which movie images including sound are stored in a storage medium (10) until a predetermined amount of data is reached and then transferring the image data into non-volatile recording medium (11). While the transfer is taking place, image data continues to be recorded in the storage medium.

Ogino (U.S. Patent No. 5,633,976) describes a still image camera in which image data is compressed and continuously recorded to memory (22) by a system control circuit (30). The system control circuit (30) interrupts or reduces the rate of continuous recording when the remaining memory (22) is less than an image frame.

As discussed in the interview of March 24, 2004, claims 1, 7, 13, 19, 22 and 25 have been amended to indicate that recording continues without pausing, interrupting or reducing the rate of recording. This amendment finds support in the specification on page 16, line 20 through page

18, line 2, page 21, line 6 through page 23, line 6 and page 25, line 17 through page 27, line 22. Support may also be found in figure 5 and its related discussion in the specification. The prior art relied upon fails to describe this claimed feature. Therefore, withdrawal of the rejection of claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 under 35 USC §102(b) as being anticipated by Ogino (U.S. Patent No. 5,633,976) is respectfully requested.

Claim Rejections under 35 USC §103

Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 are rejected under 35 USC §103(a) as being unpatentable over Ogino in view of Anderson et al.

Anderson et al. describes an image data identifier variable, an image data current location data field and a plurality of data cell "pointers" used to locate data cells.

As discussed in the interview of March 24, 2004, claims 1, 7, 13, 19, 22 and 25 have been amended to indicate that recording continues without pausing, interrupting or reducing the rate of recording. This amendment finds support in the specification on page 16, line 20 through page 18, line 2, page 21, line 6 through page 23, line 6 and page 25, line 17 through page 27, line 22. Support may also be found in figure 5 and its related discussion in the specification. The prior art relied upon fails to describe this claimed feature. Therefore, withdrawal of the rejection of claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 under 35 USC §103(a) as being unpatentable over Ogino in view of Anderson et al. is respectfully requested.

Conclusion

In view of the aforementioned amendments and accompanying remarks, claims 1, 7, 13, 19, 22 and 25, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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